

REMARKS

Claims 1-6 are pending.

A minor change to the Specification for clarity has been made. No new issues have been presented.

Reply to Rejections

First Rejection

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 6,000,689 (Furuki et al.), as set forth in Section 1 of the Office Action.

Claim 1, which is an independent claim, includes the feature that "the sheet separating means and the limiting means are integrally disposed."

Claims 2 and 3 were noted in the text of the rejection but did not appear in the heading of the rejection.

The rejection is based on an interpretation of the claim language that is inconsistent with the meaning attributed thereto by the present disclosure. As set forth in the specification, the sheet separating means and the limiting means are formed from the same member. Thus, as recited in the claim, they are "integrally disposed." The interpretation set forth in the Office Action is inconsistent with this lexicon, as adopted by Applicant.

By the present submission, Applicant amends page 43 of the specification to clarify the meaning of this recitation. No new matter is added and no new issues are raised.

In Furuki, the sheet separating means and the limiting means of the sheet feeding apparatus are not integrally disposed but are separate from each other.

As each and every limitation of the claims is not specifically or inherently in the reference, a rejection under 35 U.S.C. § 102 is not viable.

While the Examiner has added comments in response to arguments in Section 3 of the Office Action, the Applicants traverse of the Examiner's position is set forth below.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claim under 35 U.S.C. § 102.

Second Rejection

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 6,217,017 (Yamazaki).

As explained above, claim 1 includes the feature that "the sheet separating means and the limiting means are integrally disposed." This feature is not shown either specifically or inherently in Yamazaki.

The Examiner added comments as explained in reply to the first rejection are set forth below.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. § 102.

Claims 4-6

Claims 4-6 were objected to. These claims remain in dependent form as it is considered that the base or intervening claims are patentable.

Reply to Response to Arguments

In Section 3 of the Office Action, the Examiner explained how he is considering the term "integral" and relies on a dictionary (Merriam Webster's Collegiate Dictionary, 10th Ed, at page 607) and then explains how he was reading the term "integral" based on the dictionary definition. But the dictionary definition is not controlling. Integral, as used in the claim, is defined in the specification that element 88 and pressing portion 87 are formed from the same member.

It is well settled that dictionary definitions do not trump the meaning of a term used and defined in the specification. This was clearly set forth in the case of *C.R. Bard Inc. v. United States Surgical Corp.*, 73 USPQ2d 1011 (CA FC 2004), wherein the Court stated as follows:

"Intrinsic record is primary source for determining claim meaning, and although some cases emphasize use of technological and general-usage dictionaries in determining ordinary meaning of terms, dictionary definitions do not trump or override intrinsic record in determining meaning of claim term."

Clearly, as expressed in the case cited above, the specification controls and not the dictionary definition. While it is understood that the Examiner can read a term as broadly as reasonably possible, what appears to have been done is an unreasonable reading of the reference.

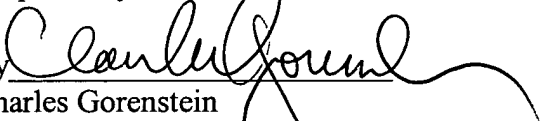
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. No. 33,347) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: January 19, 2006

Respectfully submitted,

By 

Charles Gorenstein

Registration No.: 29,271

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant